

# Exhibit 1

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
JASMINE BESISO and MYRONE )  
POWELL, )  
 )  
Plaintiffs, )  
 )  
vs. ) 16-CV-9461  
 )  
MATT BARNES and DEMARCUS )  
COUSINS, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**CERTIFIED COPY**

VIDEOTAPED DEPOSITION OF DEMARCUS COUSINS  
Taken on Tuesday, April 24, 2018  
By a Certified Court Reporter and Legal Videographer  
At 10:14 a.m.  
At 400 South Seventh Street  
Las Vegas, Nevada

Reported by: MARY COX DANIEL, FAPR, RDR, CRR, CCR 710  
Job No. 27209

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1 APPEARANCES:

2 For Plaintiff:

3 THE LAW OFFICES OF MICHAEL S. LAMONSOFF, PLLC  
4 BY: JOSEPH E. GORCZYCA, ESQ.  
5 32 Old Slip  
6 8th Floor  
7 New York, NY 10005

8 For Defendant Matt Barnes:

9 MEISTER SEELIG & FEIN LLP  
10 BY: MITCHELL SCHUSTER, ESQ.  
11 125 Park Avenue  
12 7th Floor  
13 New York, NY 10017

14 For Defendant DeMarcus Cousins:

15 WADE CLARK MULCAHY  
16 BY: DENNIS M. WADE, ESQ.  
17 180 Maiden Lane  
18 Suite 901  
19 New York, NY 10038

20

21 Also Present: Dawn Beck, Videographer

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1 I N D E X

2 WITNESS: DEMARCUS COUSINS

3 PAGE

4 Examination By Mr. Gorczyca 5

5

6 (No exhibits were marked)

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1 THE VIDEOGRAPHER: Good morning.

2 This is Digital Media No. 1 in the deposition  
3 of DeMarcus Cousins. Today's date is April 24, 2018.  
4 The time is 10:14 a.m. We are located at 400 South  
5 Seventh Street, Suite 400, in Las Vegas, Nevada.

6 This case is entitled Jasmine Besiso and  
7 Myrone Powell versus Matt Barnes and DeMarcus Cousins.  
8 The case number is 16-CV-9461, in the United States  
9 District Court for the Southern District of New York.

10 My name is Dawn Beck, legal videographer.  
11 Your court reporter is Mary Daniel. And we represent  
12 Oasis Reporting Services.

13 Will counsel please state your appearance for  
14 the record and whom you represent?

15 MR. GORCZYCA: For the Plaintiffs, Joseph  
16 Gorczyca, G-O-R-C-Z-Y-C-A.

17 MR. WADE: Dennis M. Wade of the firm Wade,  
18 Clark, Mulcahy, for DeMarcus Cousins.

19 MR. SCHUSTER: Mitchell Schuster, from Meister  
20 Seelig & Fein, for Defendant Matt Barnes.

21 THE VIDEOGRAPHER: Will the court reporter  
22 please administer the oath?

23 \ \ \

24 \ \ \

25 \ \ \

1 DEMARCUS COUSINS,  
2 having first sworn or affirmed to testify to the truth,  
3 the whole truth and nothing but the truth, was examined  
4 and testified as follows:

5 EXAMINATION

6 BY MR. GORCZYCA:

7 Q Good morning, sir. My name is Joe Gorczyca,  
8 and I represent the Plaintiffs.

9 I'm going to be asking you a series of  
10 questions today. If at any time you don't understand  
11 my question, please let me know, and I'm happy to  
12 rephrase. If at any time you would like to take a  
13 break for any reason at all, or for no reason at all,  
14 I'm happy to accommodate. I'd just have you answer  
15 whatever question is out there.

16 Sir, have you ever been deposed before?

17 A Been to where?

18 Q Been to a deposition like this before?

19 A Uh-uh.

20 Q Okay. As you see here today, we have a court  
21 reporter and a videographer taking down everything that  
22 you say and everything I say. And at the end of it,  
23 you'll be given a transcript and be allowed to make  
24 certain corrections, and your attorney will tell you  
25 some of the rules that apply.

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1 But one of the rules that applies herein is  
2 that you have to answer all the questions that are  
3 asked to you, and you have to give a verbal answer.  
4 You have to physically say something. You can't simply  
5 just nod your head or say "uh-huh," because although  
6 there's a videographer, the court reporter cannot get  
7 those things down.

8 If you're approximating something, let us  
9 know. Don't guess. Just give us your best  
10 recollection of what you recall.

11 Do you understand my instructions so far?

12 A Yes.

13 Q In the last 24 hours, have you taken any  
14 medication, drugs, or alcohol that would impair your  
15 ability to tell the truth today?

16 A No.

17 Q Are you on any medication today that would  
18 impair your ability to recollect any facts dating back  
19 to the alleged incident?

20 A No.

21 Q Mr. Cousins, where do you currently reside?

22 A Here in Las Vegas.

23 Q And do you reside in a private home? A hotel?  
24 Something else?

25 A A home.



1 Q Is that your primary residence, or do you  
2 reside somewhere else?

3 A Primary.

4 Q And where is that address?

5 A Um, do you want me to say it out loud?

6 MR. WADE: Counsel, if I give you my  
7 undertaking I'll give you his address, his personal  
8 address, if necessary. I'd rather not have it on the  
9 record.

10 MR. GORCZYCA: Fine. Do you agree to --

11 MR. WADE: Is that okay with you?

12 MR. GORCZYCA: Yeah, that's fine. Do you  
13 agree to accept service on his behalf?

14 MR. WADE: I do.

15 MR. GORCZYCA: All right. Perfect. Thanks.

16 BY MR. GORCZYCA:

17 Q And, Mr. Cousins, are you currently employed?

18 A Yes.

19 Q And who are you currently employed by?

20 A The New Orleans Pelicans.

21 Q And how long have you been employed by the New  
22 Orleans Pelicans?

23 A A year and a half.

24 Q Okay. And what is your current job?

25 A Professional basketball player.

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1 Q Before you were employed by the New Orleans  
2 Pelicans, who were you employed by?

3 A Sacramento Kings.

4 Q How long were you employed by the Sacramento  
5 Kings?

6 A Seven years.

7 Q And before that, did you currently work? Did  
8 you work before that?

9 A What do you mean?

10 Q Were you in school? Did you work? What did  
11 you do before --

12 A I went from school to the NBA.

13 Q And where did you go to school?

14 A Kentucky.

15 Q And did you graduate from the University of  
16 Kentucky?

17 A No. I did a year.

18 Q Okay. Are you currently in any educational  
19 programs, anything like that?

20 A Uh-uh.

21 Q Do you -- you have to verbally say.

22 A Oh. No, no. Sorry.

23 Q And aside from your employment with the NBA  
24 Pelicans, do you have any other employment?

25 A Uh-uh.

1 Q Have you ever been arrested?

2 A Uh-uh. No, sir, no.

3 Q Have you ever been convicted of any crimes?

4 A No.

5 Q Have you ever been suspended from playing  
6 basketball through the NBA?

7 A Yes.

8 Q How many times?

9 A Three or four maybe. I don't know.

10 Q How many times have you been fined by the NBA?

11 A I don't know. I've been fined before.

12 Q And do you know if the fines and suspensions  
13 exceed a million dollars?

14 A I don't keep up with that number.

15 Q And would you have any records that you would  
16 keep up with those incidents?

17 A No.

18 Q And do you know how many incidents that  
19 resulted in suspensions? And I don't mean from game  
20 play. I mean from other activities.

21 A No.

22 Q Were you suspended as a result of the alleged  
23 incident on the night of December 4th, 2016?

24 A Say that again.

25 Q Were you suspended or fined in any way as a



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1 result of the incident at the Avenue nightclub on  
2 December 4th, 2016?

3 A No.

4 Q Okay. And previous to that, were you ever  
5 suspended or fined for using foul language directed at  
6 fans?

7 A I was fined, yes.

8 Q And was that on October 21 of 2017?

9 A Maybe. I don't know.

10 Q And was it -- did it include another incident  
11 on March 9th?

12 A Another -- I don't -- I can't just think off  
13 the top of my head when these happen. I don't know.

14 Q Okay. And was there another incident  
15 involving yourself and a reporter by the name of Andy  
16 Furillo, F-U-R-I-L-L-O?

17 A Yes.

18 Q And when was that?

19 A Whenever it happened. I don't know.

20 Q And was that a verbal altercation? A physical  
21 altercation? Something else?

22 A Verbal.

23 Q And how long did that verbal altercation last?

24 A I don't know. A couple -- couple of minutes.

25 I don't know.

1 Q Okay. And was there another incident at a  
2 place called The Drynk Soho, D-R-Y-N-K, Soho?

3 A Soho?

4 Q In Tampa, Florida.

5 A That was my brother.

6 Q It was your brother? Were you present when  
7 that occurred?

8 A Yes.

9 Q Okay. And aside from those four incidents,  
10 are there any other incidents where you've been fined  
11 or suspended, not because of game play activity, but  
12 because of --

13 A No, not that I --

14 Q -- outside activity?

15 A No.

16 Q Okay. One other rule I want to let you know  
17 is, the court reporter can only take one of us down at  
18 a time. Many, many times you'll know the answer to  
19 question before I finish. Just let it finish so she  
20 can get it down so there's no confusion in the record.

21 A No problem.

22 Q Okay. Do you currently maintain a homeowner's  
23 insurance policy? Do you have insurance?

24 A Yes.

25 Q Okay. Is your -- are you being represented by

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1 insurance counsel, or private counsel, or both?

2 MR. WADE: Note my objection to the form of  
3 the question.

4 THE WITNESS: You have to ask my --

5 THE REPORTER: I'm sorry. I didn't hear you.

6 THE WITNESS: You'll have to ask my financial  
7 advisor. I don't know.

8 BY MR. GORCZYCA:

9 Q Okay. Do you maintain social media accounts?

10 A Yes.

11 Q And what are the accounts? Facebook?  
12 Twitter? Social --

13 A Twitter, Instagram.

14 Q Uh-huh.

15 A And I think I got a Facebook. Yeah.

16 Q Okay. Do you maintain those yourself, or does  
17 somebody else maintain them on your behalf?

18 A Somebody else maintains them. I do -- I do  
19 some work on it, but not much.

20 Q And the posts that are in your name, do you  
21 know which -- could you delineate which ones are posted  
22 by you or posted by your social media people?

23 A Yeah, I guess.

24 Q Okay. And you mentioned Instagram. What's  
25 the Instagram name?



1 A Boogie Cousins.

2 Q And the Facebook name?

3 A DeMarcus Cousins, maybe. I don't know.

4 Q And the Twitter?

5 A Boogie Cousins.

6 Q Do you have Snapchat?

7 A Yes.

8 Q Did you have Snapchat back in December 4th of  
9 2016?

10 A Yes, I believe so.

11 Q Okay. Did you -- did you regularly use  
12 Snapchat back in December of 2016?

13 A I've hardly ever used Snapchat.

14 Q Okay. And what about -- did you have a cell  
15 phone back in 12 -- December 4th, 2016?

16 A Yes.

17 Q Okay. And who was your cell phone provider?

18 A Verizon.

19 Q Is it the same cell phone that you have now,  
20 same phone number?

21 A Uh-huh. Yes. Yes. Yes.

22 Q And on December 4th, 2016, did you use that  
23 cell phone?

24 MR. WADE: Counsel, can you -- just for the  
25 purposes of the record, can you --

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1 MR. GORCZYCA: I'm just laying out --

2 MR. WADE: -- delineate the date so it's clear  
3 that you're referring to the incident that brings us  
4 here?

5 MR. GORCZYCA: Sure.

6 BY MR. GORCZYCA:

7 Q Okay. Mr. Cousins, what I'm doing here is, I  
8 want to talk to you a little bit about the night of  
9 December 4th into December 5th --

10 A Uh-huh.

11 Q -- of 2016. Okay?

12 A Uh-huh.

13 Q Do you recall that night?

14 A Yes.

15 Q And were you in New York City on that night?

16 A Yes.

17 Q Had you played a game at the Garden that  
18 night?

19 A It was either the Knicks or the -- or the  
20 Nets. I don't really remember.

21 Q Okay. And what team were you playing for at  
22 that time?

23 A The Kings.

24 Q And do you recall how your performance was  
25 that night?

1 A I'm pretty sure it was amazing.

2 Q And do you recall how many points you scored?

3 A Probably a lot.

4 Q What would be a lot?

5 A A lot. More than you could score.

6 Q That's certainly true. More than 20?

7 A Most likely.

8 Q More than 30?

9 A Somewhere around there.

10 Q Okay. I want to talk about the day leading up  
11 to that game.

12 A Uh-huh.

13 Q All right. The morning of December 4th, 2016,  
14 do you know if you flew into New York that day or you  
15 had been there the day before?

16 A I don't really recall. I believe we were on a  
17 road trip. So, maybe.

18 Q Okay. Do you remember how many days you had  
19 been on a road trip?

20 A No.

21 Q And leading up to the game, walk me through  
22 your daytime routine that day.

23 A Leading up to the game?

24 Q Uh-huh.

25 A I'm pretty sure we had a shoot-around. We



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1 come back from shoot-around, we have our breakfast  
2 meeting. And I usually nap all the way up until the  
3 game.

4 Q And do you recall what time the game started?

5 A Most likely 7:00 maybe. I don't know. Maybe  
6 it was an early game. I don't know. It depends on  
7 what day it was on. If it was -- if it was on the  
8 weekend, it was probably an early game.

9 Q If I said it was a night game, would that  
10 refresh your recollection?

11 A I mean, it could start earlier and end into  
12 the night. So, no, not really.

13 MR. WADE: Listen to his question. He posited  
14 that it was a night game and asked you, does that  
15 refresh your recollection whether on the 4th it was a  
16 night game. In other words, he wants to know, if he  
17 tells you it was a night game as a matter of fact, does  
18 that refresh your recollection? Yes or no?

19 THE WITNESS: I guess. I don't -- I don't  
20 really remember.

21 MR. WADE: Okay. That's fine. Then that's  
22 the answer.

23 BY MR. GORCZYCA:

24 Q We don't want you to guess.

25 A Yeah. I don't really remember.

1 MR. WADE: That's the answer.

2 BY MR. GORCZYCA:

3 Q Okay. And following the game, walk me through  
4 what happens after, immediately after the game before  
5 you leave the arena.

6 A I don't know.

7 Q Do you get hydrated? Do you take fluids? Do  
8 you take an IV?

9 A I'm -- we hydrate throughout the entire game.  
10 We hydrate afterwards. We get stretched. We -- you  
11 know, we just go through the maintenance work on our  
12 bodies.

13 Q Okay. Following that, the maintenance work of  
14 your body, did you go back to a hotel, or did you go  
15 immediately out to a nightclub? Something else?

16 A I'm not sure.

17 Q Okay. Did you have a residence in New York  
18 back in 2016? Did you maintain an apartment? A  
19 pied-à-terre? Anything like that?

20 A No.

21 Q Okay. Now, after the game, do you know if you  
22 went straight out that night? Or did you go home? Did  
23 you go to a hotel?

24 A I mean, I remember I was going out to dinner.  
25 I don't -- I don't know what time, or anything like

Page 18

1 that.

2 Q Okay. And --

3 A I went out to dinner.

4 Q And do you recall who you went out to dinner  
5 with?

6 A A couple friends. Matt.

7 Q Would that be Matt Barnes?

8 A Yes.

9 Q Okay. Who else?

10 A My security Said, Polly. That's it.

11 Q Now, you mentioned your security Said. Is  
12 it -- do you know what Said's last name is?

13 A No, I don't.

14 Q And is he personal security, like you  
15 personally pay for him? Is he provided --

16 A He would be my --

17 Q -- by the association?

18 A Sorry. He was my personal security.

19 Q And how long has -- is Said still under your  
20 personal employ?

21 A No, no. He was -- he was just working at that  
22 time. It wasn't like an annual thing, or anything like  
23 that.

24 Q And does Said carry a weapon?

25 A No.



1 Q Can you describe what Said looks like?

2 A No -- light skin, heavyset, maybe around  
3 6-foot.

4 Q Okay. And do you recall where you went out to  
5 dinner that night?

6 A I don't -- I don't know the name of the place.

7 Q Okay. Following the dinner, did you have  
8 plans to go to a nightclub?

9 A Yeah. We ended up going to a nightclub.

10 Q Okay. Now, there was an alleged incident at a  
11 nightclub on the evening of the 4th, into the 5th. Did  
12 you go to one nightclub that night or multiple  
13 nightclubs?

14 A One.

15 Q How did you get to that nightclub? Car?  
16 Taxi?

17 A Most likely a car.

18 Q And whose idea was it to go to that nightclub,  
19 that specific nightclub?

20 A I don't really know. Collective agreement, I  
21 guess.

22 Q Had you ever been there before?

23 A No.

24 Q And do you know what it was called?

25 A Avenue, I believe.

Page 20

1 Q Okay. And did you join additional people  
2 before you went to the nightclub?

3 A No, not really.

4 Q Do you recall what you were wearing?

5 A No. I'm pretty sure I was fresh, though.

6 Q And when you say "fresh," what do you mean by  
7 that?

8 A Clean.

9 Q When you were at dinner, did you consume any  
10 alcohol?

11 A I don't believe so, no.

12 Q Do you know if Mr. Barnes consumed any alcohol  
13 at dinner?

14 A I don't know. If he did, I wasn't aware.

15 Q Do you have any personal policies or  
16 procedures about not drinking during the season, or  
17 will you consume alcohol during the season?

18 A I don't drink as much during the season, no.

19 Q Aside from alcohol, had you consumed anything  
20 else? Any marijuana? Illicit drugs? Anything else?

21 A No.

22 Q Were you on any supplements, or anything like  
23 that?

24 A No.

25 Q And aside from Mr. Barnes, were there any

1 other professional basketball players who joined you  
2 that evening?

3 A No.

4 MR. WADE: Note my form -- objection to the  
5 form of the question. You mean encountered there, or  
6 who joined the group?

7 BY MR. GORCZYCA:

8 Q Who joined the group?

9 A No.

10 Q Do you know if Ty Lawson was there?

11 A I don't recall.

12 Q Do you know if John Wall was there?

13 A I don't recall.

14 Q Now, did you know any of the -- the women who  
15 were with Mr. Barnes?

16 A What women?

17 Q Were there any women who joined Mr. Barnes?

18 A Oh, well -- well, Polly.

19 Q Polly?

20 A Yeah.

21 Q Okay. And had you known Polly before?

22 A Yeah, I know Polly.

23 Q How do you know Polly?

24 A Through Matt.

25 Q And do you know what Polly's last name is?



Page 22

1 A No.

2 Q Do you know who Laura Closure is?

3 A That's Polly.

4 Q Okay.

5 A Yeah.

6 Q Do you know what the -- where the nickname  
7 comes from?

8 A No.

9 Q And how long have you known Polly?

10 A I met Polly when me and Matt became teammates.

11 Q And when did you and Matt become teammates?

12 A The beginning of the -- of that season.

13 Q And did you socialize with Mr. Barnes outside  
14 of work?

15 A Occasionally, yeah.

16 Q And how occasionally? Were you guys close  
17 friends, or just simply work colleagues?

18 A We were good friends.

19 Q Okay.

20 A He's my teammate. I'm friends with all my  
21 teammates.

22 Q Uh-huh. But I mean you're social friends.

23 Would you go to his house? Would you -- did you know  
24 his family, things like that?

25 A I know his kids, yeah.

1 Q Okay.

2 A I would go to his house.

3 Q Are you currently married?

4 A Uh-uh. No.

5 Q Have you ever been married?

6 A No.

7 Q Do you have any children?

8 A Two.

9 Q What are their ages? I don't need their  
10 names.

11 A 6 and 5. You -- say that again.

12 Q I said I don't need their names. I just want  
13 their ages.

14 A Oh.

15 Q When you got into the Avenue nightclub, did  
16 you have to wait in line?

17 A Probably not.

18 Q Okay. And when you got in, did you guys have  
19 a reserved table?

20 A Yes.

21 Q Did they know you were coming?

22 A Yes.

23 Q How did they know you were coming?

24 MR. WADE: Note my objection to the form of  
25 the question.

Page 24

1 BY MR. GORCZYCA:

2 Q Well, I'll rephrase it.

3 Did you -- did you personally call ahead?

4 A No. I don't have any connections in New York.

5 Q Okay. Do you know who personally called

6 ahead? Would that be Mr. Barnes? Someone else?

7 A No.

8 Q Aside from Said, was there any other personal

9 security with --

10 A No.

11 Q -- your group?

12 And when you got to the Avenue nightclub, was

13 it busy?

14 A I think. I don't really know.

15 Q Okay. And when you got there, did you speak

16 to anyone as you walked in? And I mean an employee

17 of Avenue.

18 A Not that I can recall.

19 Q Okay. Do you know if Mr. Barnes did?

20 A Not sure.

21 Q Was Polly with you when you guys entered the

22 club, or was she already there?

23 A I believe she was.

24 Q She was with you or already there?

25 A With us, yes, I believe.



1 Q Was there anybody else with your group at that  
2 time besides yourself, Barnes, and Polly?

3 A Said, my security.

4 Q And Said. Anyone else?

5 A Uh-uh. No.

6 Q Is there a reason why you had employed Said  
7 that night?

8 A He was working with the team anyway.

9 Q Okay.

10 A Well, he was working with me during the road  
11 trip for the team. So, yeah.

12 Q And how long had you known Said?

13 A I guess you could say about a year --

14 Q Okay.

15 A -- because he -- he also worked with me for  
16 the USA.

17 Q Okay. Is that the USA men's basketball team?

18 A Yes.

19 Q And what was his function or role that night?  
20 What was he supposed to do for you?

21 A Security.

22 Q Okay. And when you say "security," what do  
23 you -- what do you mean?

24 A What security does.

25 Q Okay. Well, does that mean no one can

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1 approach you, that they're -- he's supposed to keep  
2 people away from you? I'm just curious because you are  
3 obviously not the same person as I am when we walk down  
4 the street. So your security may or may not have  
5 different functions. I don't mean to pry or press you,  
6 but that's the reason why I'm asking.

7 A He secures the product.

8 Q Okay. Would he prohibit people from speaking  
9 to you?

10 A He does his job. I don't really know. I'm  
11 not in security, so I can't answer that.

12 Q Okay.

13 A I play basketball.

14 Q I understand that.

15 A Security does what security does.

16 Q Uh-huh. Is he limited in how far he can walk  
17 away from you at any given time?

18 A Yeah, for the most part.

19 Q And does he provide security simply to you, or  
20 would he also provide it to --

21 A He was assigned to me.

22 Q Okay. But my question is: Would he also  
23 provide security to Matt Barnes?

24 A I mean, I would believe so.

25 Q Okay. And was he with you at dinner?

1 A Yes.

2 Q Okay. When you got to the Avenue nightclub,  
3 did you eventually get to a table or a seat?

4 A Yes.

5 Q And do you recall where that was?

6 A Like, towards the bar, I believe.

7 Q Okay. Was it in a private area? A VIP area?  
8 Something else?

9 A Yes, if it's a table, it's most likely a VIP  
10 area.

11 Q And when you got to the table, was there  
12 alcohol being provided?

13 A Yes.

14 Q And do you recall what was being provided?

15 A Most likely Hennessey.

16 Q Okay. And do you know who ordered that  
17 Hennessey?

18 A Me.

19 Q Okay. And do you -- did you have to pay for  
20 it, or was it provided to you for free?

21 A Pretty sure I had to pay for it.

22 Q Okay. Did you pay cash? Card? Something  
23 else?

24 A Card.

25 Q Were there mixers provided?



Page 28

1 A Most likely.

2 Q Were they provided in glass bottles?

3 A I don't know.

4 Q When you got to the table, did any other  
5 people join you at the table besides Mr. Barnes, Polly,  
6 and Said?

7 MR. WADE: Note my objection to the form of  
8 the question. You haven't established they were at the  
9 same table.

10 MR. GORCZYCA: Oh, okay. Well, I ask.

11 BY MR. GORCZYCA:

12 Q Did you guys all sit at the same table?

13 A Yes.

14 Q And did anybody else join you at that table?

15 A I'm pretty sure some stragglers did. I don't  
16 know.

17 Q Okay. When you say "stragglers," are you  
18 talking about just regular everyday people?

19 A I guess. If that's what you want to refer to  
20 them as.

21 Q I don't know. I don't want to put words in  
22 your mouth. What do you mean by "stragglers"?

23 A I mean people that hang around tables.

24 Q Okay. And did you have any encounters with  
25 any of the people who were hanging around tables before

1 an incident occurred?

2 A I'm sure somebody said something to me.

3 Q Okay.

4 A Not anything that stands out.

5 Q Okay. And that was going to be my next  
6 question. Was there any -- did you have any negative  
7 interaction, say --

8 A No.

9 Q -- a verbal disagreement --

10 A No.

11 Q -- an argument --

12 A No.

13 Q -- during that?

14 Okay. How long were you at the nightclub  
15 before an incident occurred?

16 A I'm not sure.

17 Q An hour?

18 A I'm not sure.

19 Q Can you give any time frame? 10 minutes? 15  
20 minutes?

21 A I'm not sure.

22 Q Okay. Did you ever sit down at the table, or  
23 were you standing the entire time?

24 A I'm -- I'm sure I did sit down.

25 Q Okay.

Page 30

1 A I don't -- I don't really know.

2 Q While you were at the nightclub before an  
3 incident occurred, did you ever use your cell phone?

4 A I don't recall.

5 Q Did you tweet anything, or add anything to  
6 Instagram during that time?

7 A I don't really tweet that often.

8 Q Okay. Following the incident, did you ever  
9 tweet anything about the incident?

10 A No.

11 Q Did you ever message anyone and then delete  
12 said messages?

13 A No.

14 Q Okay. While you were the Avenue nightclub,  
15 did you consume any of the Hennessey?

16 A I'm pretty sure I did.

17 Q Okay. Do you know how many glasses, shots?

18 A Maybe two, two glasses. Two or three glasses.

19 Q Did you see Mr. Barnes consume any alcohol?

20 A Not that I remember.

21 Q Did you see Polly consume any alcohol?

22 A Not that I remember.

23 Q I want to show you some photographs we  
24 previously marked. I want to show you what we  
25 previously marked as Exhibit 1 in Mr. Barnes'



1 deposition. I'll have you take a look at that  
2 photograph for a second.

3 Do you recognize what's depicted in that  
4 photograph?

5 A Tables.

6 Q Is that the Avenue nightclub?

7 A Looks like it.

8 Q Is that how it looked on the night of December  
9 4th, 2016?

10 A I can't really say because -- I mean, it looks  
11 similar. But when I was in there, it was dark.

12 Q Okay.

13 A And that's kind of litten up. So it looks  
14 familiar, yes.

15 Q I want to show you what we've previously  
16 marked as Exhibit No. 2 at Mr. Barnes' deposition.  
17 Take a look at that photograph, please.

18 A Right.

19 Q Can you tell us what's depicted in that  
20 photograph?

21 A Yeah, I remember this area here.

22 Q And is that the area that's been circled?

23 A Uh, yes.

24 Q And when you say you remember that area, can  
25 you tell us what you mean by that?

Page 32

1           A     Yeah, that's -- that's what they had Matt --  
2     they was choking him in this area here.

3           Q     Okay.

4           A     I remember that part. Yeah.

5           Q     All right. Let's focus on Plaintiff's  
6     Exhibit 2 and break down that testimony.

7                     You said that they were choking Matt --

8           A     Yeah.

9           Q     -- in the area that's circled in this  
10    photograph. Who was choking Matt?

11          A     I saw a male on top of Matt, and I would say  
12    two girls as well.

13          Q     Okay.

14          A     But I specifically remember the male choking  
15    him.

16          Q     How big was the male?

17          A     I don't know.

18          Q     Was he --

19          A     I don't know.

20          Q     -- 6 feet?

21          A     I don't know.

22          Q     Do you know his approximate weight?

23          A     I don't know your weight, and I'm looking at  
24    you. I don't know.

25          Q     Okay. Was he an average build --

1 A I don't know.

2 Q -- slight build?

3 A I don't know.

4 Q Okay.

5 A All I know is he was on top of Matt choking  
6 him.

7 Q Was he white? Was he black? Was he Hispanic?  
8 Something else?

9 A I don't know.

10 Q Okay. Did he have a hat on? Did he have  
11 anything --

12 A I don't know.

13 Q Okay. And the two females you mentioned --

14 A Uh-huh.

15 Q -- were they -- where were they positioned?

16 A On top of Matt.

17 Q So there were three people on top of Matt?

18 A Yes.

19 Q Okay. The -- let's focus on what we'll call  
20 our Female 1. Female 1, was she white? Black?  
21 Hispanic? Something else?

22 A I don't know.

23 Q Do you know her approximate age?

24 A Nope.

25 Q Do you know her approximate weight?



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1 A Nope.

2 Q Okay. Let's talk about Female B. Female B,  
3 do you know what her approximate age is?

4 A No.

5 Q Do you know what her ethnicity was?

6 A Uh-uh. No.

7 Q Do you know what her approximate weight was?

8 A No.

9 Q Okay. Do you know what she was wearing?

10 A No.

11 Q Okay. Had you seen -- let's talk about the  
12 male first. Had you seen that male at any point in  
13 that night before the incident with Mr. Barnes?

14 A No.

15 Q Okay. Had you had any, you personally, had  
16 seen -- had any negative encounters with that  
17 individual during that course of that night?

18 A Did I have a what?

19 Q Like a negative encounter, a verbal  
20 disagreement?

21 A No.

22 Q Let's talk about Female A. Had you seen  
23 Female A earlier in that night?

24 A No.

25 Q Had you had any encounters with her, whether

1 positive or negative?

2 A No.

3 Q And what about Female B? Did you -- had you  
4 seen her at any point during that night?

5 A No.

6 Q Okay. At any point before you saw Mr. Barnes  
7 being choked, did you hear a bottle being thrown?

8 A No.

9 Q Did you see a bottle being thrown?

10 A No.

11 Q Okay. When Mr. Barnes was being choked, where  
12 were you standing?

13 A I was out this way.

14 Q Okay.

15 A Out this way more.

16 Q I want to show you Plaintiff's Exhibit 3 --  
17 I'm sorry -- Exhibit 3.

18 A Uh-huh.

19 Q Does that show where you were standing?

20 A I was maybe like -- like right here maybe.

21 Q Okay. I have a blue pen. If you could circle  
22 and mark where you were standing?

23 A Maybe like right here.

24 Q And then could you add your initials next to  
25 it just so we know it's your mark?

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1                   When you were standing where you have circled  
2   in Plaintiff's Exhibit 3, were you facing the bar  
3   that's depicted at the back, or were you facing towards  
4   the entrance?

5                   MR. WADE: Or in some other fashion?

6                   MR. GORCZYCA: Or some other way.

7                   THE WITNESS: I was facing this way. My back  
8   was to this part.

9   BY MR. GORCZYCA:

10           Q     Your back was to the area --

11           A     Yes.

12           Q     -- where Mr. --

13           A     Yes.

14           Q     -- Barnes is being choked?

15           A     Uh-huh.

16           Q     So do you know what happened before that led  
17   to his --

18           A     No.

19           Q     Okay. Had you heard anything, screams,  
20   anything like that, beforehand?

21           A     No.

22           Q     Okay. Were you -- what were you doing in the  
23   moments beforehand? Were you talking to someone?  
24   Having a drink? On your phone?

25           A     No, I was just kind of vibing to myself.



1           Q     Okay. Had you met anybody that night that you  
2     were having a conversation with, talking to, anything  
3     like that?

4           A     Maybe. I don't know.

5           Q     Okay. Now, what first alerted you that  
6     Mr. Barnes was being choked? You said you were facing  
7     the other way, the opposite direction.

8           A     Somebody tapped me on the back and said, "Get  
9     Matt. They're on him."

10          Q     Okay. And do you know where Said was at that  
11     moment?

12          A     No.

13          Q     Okay. And when you turned around,  
14     approximately how far away from Mr. Barnes were you?

15          A     I took like maybe two or three steps.

16          Q     Okay. Do you know approximately what distance  
17     that is? Your two or three steps is obviously  
18     different than my two or three steps.

19          A     I can't tell you all that.

20          Q     Okay. Do you know who tapped you?

21          A     No.

22          Q     Do you know --

23          A     It was some random person. I didn't even  
24     look. I just turned around, so --

25          Q     Okay. And do you know who -- do you know

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1 where Polly was at that moment?

2 A No.

3 Q Okay. When you saw Mr. Barnes and he had  
4 three people on him, did you believe that he was in  
5 danger?

6 A Yes.

7 Q Did you believe he was in grave danger?

8 A Yes.

9 Q And when you took your two or three steps  
10 towards the incident, what did you do next?

11 A I hit the guy that was on top of him.

12 Q Okay. And did you hit him with a closed fist  
13 or an open hand?

14 A I just hit him.

15 Q When you say "hit him," I mean --

16 A I hit him.

17 Q Okay. Did you hit him with your right hand or  
18 your left hand?

19 A Right.

20 Q Are you right-handed or left-handed?

21 A I'm right.

22 Q How many times did you hit him?

23 A Once.

24 Q Where did you hit him?

25 A I don't know.

1 Q Did you hit him in the face? The chest?

2 A I just hit him. I don't know exactly where.  
3 I probably hit him in the head maybe. I don't know.

4 Q And when you hit him in the head, what  
5 happened to his body? Did it move in any direction?

6 A He kind of fell off of him.

7 Q Okay. Have you ever heard the term a  
8 "haymaker"?

9 A Yes.

10 Q Did you hit him with a haymaker?

11 A No.

12 Q Okay. How would you describe the punch you  
13 hit him with? A jab? An upper cut? A short?

14 A I just hit him enough to get him off of him.

15 Q And where was Mr. Barnes when you hit the  
16 person?

17 A Under the dogpile.

18 Q Okay. And you say "under the dogpile."  
19 Describe what you mean.

20 A What I said earlier, there was three people on  
21 top of him.

22 Q Okay.

23 A So I would consider that a dogpile.

24 Q Okay. Were they on the ground, or were they  
25 standing up?



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1           A     It was like over -- over the bench, or the  
2 booth, or whatever you want to call it.

3           Q     Okay. I want to show you what we marked  
4 previously as Exhibit 2.

5           A     Yeah, this part here, they were kind of  
6 hanging over that.

7           Q     Was Mr. Barnes facing that bar? Was he being  
8 pulled backwards? To the side? Something else?

9           A     I just saw him like this, like --

10          Q     Uh-huh.

11          A     -- reaching for help, I guess you could say.

12          Q     How big is Mr. Barnes?

13          A     About 6'7".

14          Q     Okay. Do you know his approximate weight?

15          A     No.

16          Q     Would you describe him as a big or --

17          A     Pretty light in the ass, though.

18          Q     Okay. And when you say "pretty light in the  
19 ass," describe what you mean by that.

20          A     I would probably say he's about 140 soaking  
21 wet.

22          Q     Okay. And do you know how big the gentleman  
23 was who was on top of him?

24          A     No. You asked me that already.

25          Q     And when the -- when you came over there in

1 the two to three steps as you approached them, was  
2 Mr. Barnes on his back?

3 A Uh, he was -- he was under the dogpile.

4 Q Okay. And where was --

5 A I don't know if he was on his back, his side,  
6 his stomach. He was under a dogpile.

7 Q And when he was under the dogpile, was it the  
8 two females on top of him and the third man standing  
9 around him? I want to understand the dynamic of these  
10 three people.

11 A You watch football?

12 Q I do.

13 A You know when they -- when more than one guy  
14 tackles the person with the ball?

15 Q Sure.

16 A It's called a dogpile.

17 Q Okay.

18 A Yeah. It was similar to that.

19 Q All right. And so who was at the bottom of  
20 the dogpile? Mr. Barnes?

21 A Yes.

22 Q And who was the person above him? Was it --

23 A The three --

24 Q -- Woman A, Woman B, or the man?

25 A All three of them.

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1 Q Okay. When you struck the -- the gentleman --

2 A Uh-huh.

3 Q -- was he on his side? Was he on his --

4 A I just told you I don't -- oh, was --

5 Q He, the person --

6 A The guy I struck?

7 Q Yes.

8 A Was he on his what?

9 Q Side, his back? Was he --

10 A He was like kind of standing over Matt. So,  
11 he was on -- he was upright.

12 Q All right. Okay. Would it be fair to say  
13 then that he was standing next to that dogpile, or was  
14 he --

15 A He was standing over Matt with his two hands  
16 around his neck.

17 Q Okay. And the gentleman who had his two hands  
18 around the neck was the person you struck?

19 A Yes.

20 Q And when you struck him, his hands were  
21 physically around Mr. Barnes' neck?

22 A Yes.

23 Q Okay. And then the two females, where were  
24 their hands?

25 A I don't know.



1 Q Okay.

2 A I don't really know what they were doing.  
3 They was just kind of going crazy.

4 Q Okay. And do you know where Polly was during  
5 that moment?

6 A No.

7 Q All right. And after you struck that  
8 individual, what happened next?

9 A I grabbed Matt.

10 Q Okay. And did you physically pull him back  
11 over that --

12 A I physically lifted him, yes.

13 Q Okay. Did you say anything to him?

14 A No. I just said, "Bring your ass on." Like,  
15 "Let's go."

16 Q Okay. And where -- did Said come over at that  
17 moment?

18 A I don't really know. My main concern was  
19 getting Matt.

20 Q Okay.

21 A I don't really know who was around me or what  
22 they were doing. My concern was just getting Matt.

23 Q All right. And after you physically picked up  
24 Matt, did you set him down somewhere, or did he get his  
25 own feet?

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1 A I kind of -- I kind of man-handled him.

2 Q Okay. And after you man-handled him, did you  
3 leave the nightclub?

4 A Yes.

5 Q And how long after you struck the individual  
6 until you left the nightclub?

7 A Immediately.

8 Q Okay. And did anyone stop you, security,  
9 anything like that?

10 A Not that I can recall, no.

11 Q Okay. After you left the nightclub, did you  
12 go outside?

13 A Yes.

14 Q And what was the weather like when you went  
15 outside?

16 A I don't know.

17 Q All right. Was it raining --

18 A What month was it?

19 Q December.

20 A I'm pretty sure it was cold.

21 Q Okay. Did you have to go back in and get  
22 anything from the nightclub?

23 A I believe we had to close the tab.

24 Q Okay.

25 A And I -- I think the person came outside, yes.

1 Q Okay. And while you were outside, was anyone  
2 filming you?

3 A I don't know.

4 Q Well, do you know if TMZ was filming you?

5 A I've heard.

6 Q Okay. Did you ever view the video?

7 A I saw it.

8 Q Okay. And when was the last time you saw it?

9 A Basically when it was released.

10 Q All right. And did you believe it to be a  
11 fair and accurate depiction of your conduct after you  
12 left the nightclub?

13 A Somewhat.

14 Q Okay. What was -- what was the --

15 A There was some adrenaline going.

16 Q Okay. And during that video, did you ever say  
17 anything to TMZ, "Take it down," anything like that?

18 A Uh-uh.

19 Q You have to --

20 MR. WADE: You have to answer.

21 THE WITNESS: Oh. No, no, no, no. Sorry.

22 BY MR. GORCZYCA:

23 Q All right. And afterwards, did you speak to  
24 Mr. Barnes about the incident?

25 A We talked with our team security, Hakim.



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1 Q Okay. And who is Hakim?

2 A The team security.

3 Q He's different than Said?

4 A Yes.

5 Q Was he there that night?

6 A No.

7 Q When did you speak to Hakim?

8 A The next morning.

9 Q Okay. Is there an NBA code of conduct?

10 A What do you mean?

11 Q Does the NBA, the National Basketball  
12 Association, have a code of conduct that you are  
13 required to abide by as an NBA player?

14 A Yes.

15 Q Are you familiar with the code of conduct?

16 A Somewhat.

17 Q All right. Do you know if there's any  
18 mandatory reporting, say, if you're involved in an  
19 incident, that you have to report it immediately to  
20 your team?

21 A Not really. I mean, maybe. I don't know. I  
22 don't -- I don't know it off the back of my --

23 Q Sure.

24 A -- like the back of my hand. I don't know.

25 Q Uh-huh. Did you report the incident to the

1 team, or did the team contact you?

2 A I reported it to the team --

3 Q Okay.

4 A -- well, to Hakim, the team security.

5 Q And how did you report it to him? Did you  
6 tell him when you were back in the facility, or --

7 A Told him the next morning.

8 Q Okay. And when -- I said when you told him,  
9 you did that face-to-face?

10 A Yes.

11 Q Okay. And what did you tell him?

12 A We told him what happened.

13 Q And what did you tell him happened?

14 A What I told you.

15 Q Okay. And specifically, what were your words  
16 that you told Mr. -- that you told Hakim?

17 A Matt was attacked.

18 Q Uh-huh.

19 A And we got him out of there.

20 Q Okay. And did he ask to do any -- ask you to  
21 fill out any paperwork? Do anything else?

22 A I don't know --

23 Q After you reported it to him --

24 A He kind of basically said, "We'll handle this  
25 when we, when we get back."

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1 Q Okay.

2 A So --

3 Q And what did that mean to you, that you  
4 would --

5 A When we got back to Sacramento, we'll figure  
6 it out.

7 Q Okay. Do you recall if your road trip  
8 continued from New York?

9 A I can't really remember.

10 Q All right. After you got back to Sacramento,  
11 what happened next?

12 A Just kind of died down.

13 Q All right. Did you have to talk to anybody at  
14 team management?

15 A We spoke -- I believe I spoke with Vlade about  
16 it.

17 Q And who is Vlade?

18 A He's the GM.

19 Q Is he still the GM?

20 A Yes.

21 Q And when you spoke to him, was it a  
22 face-to-face conversation? Something on the phone?

23 A Pretty sure it was face-to-face.

24 Q And what was the conversation?

25 A I don't recall.



1 Q What did -- did he ask you what happened?

2 A I mean, I'm pretty sure he did.

3 Q Uh-huh.

4 A I -- I don't remember every detail to the  
5 conversation, no.

6 Q Okay. Afterwards in the incident, did the  
7 police ever contact you?

8 A No.

9 Q Did any detectives, investigators ever talk to  
10 you?

11 A No.

12 Q What about Matt Barnes' team of attorneys, did  
13 they ever talk to you and ask you for a witness  
14 statement?

15 A Who is his team of attorneys?

16 Q I can't answer that for you. My job is to ask  
17 questions, not answer them.

18 A No, not that I know.

19 Q Okay. Did you give any written statements on  
20 his behalf to anyone?

21 A No.

22 Q Did you give any written statements to anyone?

23 A Not that I can remember, no.

24 Q Okay. Aside from talking to Hakim and your  
25 GM, Mr. Divac, did you talk to anybody else at the

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1 association about the incident?

2 A No.

3 Q Did they require you to fill out any  
4 paperwork, do anything else?

5 A No.

6 Q Is there any mandatory drug testing or alcohol  
7 testing following an incident that's pursuant to the  
8 NBA personal policy?

9 A Repeat that.

10 Q Is there any mandatory drug or alcohol testing  
11 after an incident, according to the NBA code of  
12 conduct?

13 A No.

14 Q Do you recall if you were given any drugs or  
15 alcohol testing following the incident?

16 A I mean, we get random drug tests, so maybe. I  
17 don't know.

18 Q Okay. Now --

19 A We don't get tested for alcohol, though, no.

20 Q Okay. Were you intoxicated that evening?

21 A I had drinks that night, yes.

22 Q Would you characterize --

23 MR. WADE: Listen to his question.

24 MR. GORCZYCA: Would it be fair to say --

25 MR. WADE: The question was, were you

1     intoxicated, not whether you had drinks.

2                   THE WITNESS:   Probably not, no.

3     BY MR. GORCZYCA:

4           Q     Okay.

5           A     Three drinks wouldn't have me intoxicated, no.

6           Q     Okay.   And did you consume anything else that  
7     evening, marijuana, anything else?

8           A     No.

9           Q     What's your current height and weight?

10          A     6'10".   And I don't know where my weight is.  
11     I'm injured right now, so it may be up.

12          Q     Back in December of 2016, what was your  
13     regular play weight?

14          A     270.   That's usually what I play around.   But  
15     I don't know.

16          Q     Do you know if Mr. Barnes was on his phone  
17     most of that evening?

18          A     I don't know.

19          Q     Well, did you see him using his cell phone?

20          A     Not that I can remember.

21          Q     Did you ever speak to Polly following the  
22     incident?

23          A     No.

24          Q     Did you ever socialize with Polly again after  
25     the incident?



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1 A No.

2 Q What about Mr. Barnes, did you continue to  
3 socialize with Mr. Barnes?

4 A Yeah. We still communicate to this day.

5 Q Did you communicate with him before coming to  
6 this deposition?

7 A No.

8 Q When was the last time you spoke with him?

9 A Maybe two weeks ago. He wanted -- he's  
10 retired now. He's kind of -- got his hands in  
11 everything. But he wanted to do a sit-down, an  
12 interview with me.

13 Q Okay. And what do you mean a sit-down  
14 interview? For a television show, or a video, or  
15 something like that?

16 A I don't know what it was for. But he wanted  
17 to do a sit-down interview.

18 Q Did you agree to it?

19 A I tried to, but our schedules kind of weren't  
20 on the same page.

21 Q Before coming here, did you look at any  
22 photographs?

23 A Not that I -- of what?

24 Q Of anything related to the -- the alleged  
25 incident?

1           A     Not that I can remember, no.

2           Q     Did you look at any documents? Did you, say,  
3 review Mr. Barnes' transcript?

4           A     Uh-uh.

5           Q     Before this evening, had you ever been in any  
6 fights?

7           A     Yeah, I've been in some fights.

8                   MR. WADE: Can you clarify? Note my objection  
9 to the form of the question. Can you please clarify  
10 your question?

11 BY MR. GORCZYCA:

12          Q     How many fights have you been in over the  
13 course of your life?

14          A     Elementary, man -- I got picked on a lot in  
15 elementary because I was -- you know, I was a little  
16 awkward.

17          Q     Uh-huh.

18          A     So I had a few fights.

19          Q     Outside of your elementary school days, as an  
20 adult?

21          A     I got picked on in middle school as well.

22          Q     Okay. What about in college, things like  
23 that?

24          A     No. I was pretty cool by then.

25          Q     Uh-huh. And after college, during your years

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1 as a professional athlete, have you ever been in any  
2 other fights?

3 A Um --

4 MR. WADE: Note my Objection to the form of  
5 the question. Are you referring to on-the-court  
6 scuffles, off the court?

7 MR. GORCZYCA: I'm referring to physical  
8 altercations between him and another -- any other  
9 person.

10 MR. WADE: Whether on the court or off the  
11 court?

12 MR. GORCZYCA: Yeah.

13 THE WITNESS: Well, we're not allowed to fight  
14 in the NBA.

15 BY MR. GORCZYCA:

16 Q Okay. Yeah.

17 A So, but I wouldn't really consider it a fight  
18 from what happened this night.

19 Q And why wouldn't you consider this a fight?

20 A It was more defending our -- defending  
21 ourselves.

22 Q Uh-huh. Did you see what gave rise to  
23 Mr. Barnes being choked?

24 A No.

25 Q Did you hear anything, anyone say anything,



1 "Hey" --

2 A You -- you asked me that. I didn't hear a  
3 scream or anything. The only way I was aware of it was  
4 when I was tapped on the back.

5 Q The person who you hit, had you talked to that  
6 individual at all --

7 A You asked me that as well. No.

8 Q Had you run into that person --

9 A No.

10 Q Let me finish.

11 A I don't know him.

12 Q Had you ever run into that person before?

13 A No.

14 Q You mentioned something -- I don't want to use  
15 the word, I'm going to use a different phrase than you  
16 used -- hangers-on, right, people who hang on --

17 A Who?

18 Q Hanger-on, people who come on and hang around  
19 tables in nightclubs near professional athletes. Do  
20 you remember we talked about that a little earlier?

21 A I said "stragglers."

22 Q Stragglers. Okay.

23 A Yes.

24 Q Stragglers. The person who you struck, was he  
25 a straggler?

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1 A I don't know.

2 Q Did you strike any -- any of the females,  
3 Female A or Female B?

4 A I struck one person, and that was the male  
5 that was choking Matt Barnes.

6 Q Did you ever see pictures of any of the  
7 alleged injuries to Mr. Barnes?

8 A I took the pictures --

9 Q Okay.

10 A -- of his neck.

11 Q All right. And when did you take those  
12 pictures?

13 A The next morning.

14 Q And what did you take them with?

15 A A phone.

16 Q The same phone we talked about earlier, your  
17 Verizon?

18 A It's probably not the same exact phone.

19 Q Okay.

20 A But it's the same Verizon -- it's the same  
21 phone number.

22 Q Okay. And what made you take those photos?

23 A He told me to.

24 Q After you left the nightclub, did you and  
25 Mr. Barnes continue your night together, or did you go

1 separate ways?

2 A No, we went to the hotel.

3 Q Did you guys go together?

4 A Yes.

5 Q Were you staying in the same room or separate  
6 rooms?

7 A We're grown men. We stay in separate rooms.

8 Q And did you have any other conversations with  
9 him that night?

10 A No.

11 Q Did you talk to him about the fight or the  
12 incident?

13 A We talked about it the next morning with  
14 Hakim, the team security.

15 Q Was Mr. Barnes present when you talked to  
16 Hakim?

17 A Uh-huh.

18 MR. WADE: You have to answer in words.

19 THE WITNESS: Yes, yes, yes. Sorry.

20 BY MR. GORCZYCA:

21 Q And when you spoke to Hakim, did you both  
22 speak, or did only one of you speak?

23 A Um, we all spoke.

24 Q Okay. Did you ever see any pictures of the  
25 alleged injuries to either of the female or the male --



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1 A Uh-uh.

2 Q -- who were involved?

3 A No.

4 Q Did you ever follow up with the TMZ? You  
5 mentioned that you saw the TMZ video. Did you ever  
6 read any of the TMZ articles about this?

7 A No. I didn't really care.

8 Q Okay. And why didn't you care?

9 A I didn't think it was that big of a deal,  
10 honestly.

11 Q Were you served with papers as a part of a  
12 lawsuit in this case?

13 A Possibly. I don't know.

14 Q And do you know where the service of those  
15 papers were?

16 A Uh-uh.

17 Q Do you know where you were when you received  
18 them?

19 A I just said no.

20 Q Did you read the papers?

21 A No.

22 Q Why not?

23 A Read them for what?

24 MR. WADE: Are you referring to the lawsuit  
25 papers?

1 MR. GORCZYCA: Yes.

2 THE WITNESS: No. No. I gave it to my team  
3 security.

4 BY MR. GORCZYCA:

5 Q Okay. Would that be --

6 A Hakim.

7 Q Did you ever inquire what the lawsuit was  
8 about?

9 A No, not really.

10 Q Is there any reason why?

11 A I didn't take it seriously.

12 Q And why didn't you take it seriously?

13 A It's a money grab.

14 Q What do you mean by that?

15 A What I just said.

16 Q I don't -- I don't know what you mean by that.

17 A It's a money grab.

18 Q How -- explain what you mean by a "money  
19 grab." I don't know --

20 A It's a money grab.

21 Q Okay. And why do you feel that way?

22 A Because we weren't in the wrong.

23 Q Okay. Do you know if Mr. Barnes was  
24 criminally prosecuted for this case?

25 A I don't know.

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1 Q No, he was not, or, no, you don't know?

2 A I don't know.

3 Q Okay. Do you know if he plead guilty to any  
4 crimes?

5 A I don't know.

6 Q What about Polly? Do you know if she pled  
7 guilty to any crimes as a result of this?

8 A I don't know.

9 Q You mentioned that you and Mr. Barnes  
10 maintained a relationship over the last year or so.

11 A Uh-huh.

12 Q Did he ever mention to you that he had to go  
13 to New York City and deal with --

14 A We never talk about this, ever.

15 Q Were you traded to the Pelicans, or did you  
16 join them as a free agent? Something else?

17 A I was traded.

18 Q When you were traded, did any of this alleged  
19 incident come up as part of the discussions?

20 A No.

21 Q Okay. Did any of the issues that we talked  
22 about previously with the reporter, and those previous  
23 incidents --

24 A No. It's the NBA. Trades happen every day:

25 Q Does the Sacramento Kings -- do they maintain



1     their own personal code of professional conduct

2     separate and apart from the NBA code?

3           A     Maybe.

4           Q     Okay.

5           A     I don't know.

6           Q     You don't know?

7           A     Uh-uh.  Maybe.

8           Q     Did they ever ask you to fill out a document  
9     or sign anything on behalf of that organization as a  
10    part of a personal code of conduct?

11          A     No.

12          Q     Okay.  And what about the Pelicans?  Same  
13    question:  Do they maintain their own personal code of  
14    professional conduct?

15          A     I would guess so.  I don't know.

16          Q     And do you know -- let's go back to the Kings.  
17    Do you know what's part of any of the items of their  
18    professional code of conduct, if they have one?

19          A     No.

20          Q     Do you know if there's any rules, or  
21    regulations, or stipulations that you're required to  
22    abide by when it comes to -- to fights, or incidents at  
23    nightclubs, or anything like that?

24          A     No.

25          Q     Did you sustain any injuries as a result of

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1 striking the individual?

2 A No.

3 Q Did you ever have to get any treatment,  
4 whether ice, anything else like that?

5 A No.

6 Q Do you know if you played your next game?

7 A Most likely.

8 Q What about Mr. Barnes, do you know if he  
9 played in his next game?

10 A I don't know.

11 Q You mentioned that you took photographs of  
12 Mr. Barnes' neck the next day. Describe what it looked  
13 like.

14 A He had like scratches and like fingerprints on  
15 his neck.

16 Q Do you know how many?

17 A No. It was a few. But I don't know the exact  
18 count.

19 Q After you struck the gentleman, did you see  
20 what happened to the dogpile? Did the women fall off?  
21 What happened to them?

22 A Yeah, they fall off because I grabbed Matt.

23 Q Okay. Were the women on top of Matt?

24 A I mean, they were still on top of him, yes.

25 Q Using Plaintiff's Exhibit 2, could you show me

1 where the gentleman was standing when you struck him,  
2 using the pen if you can?

3 A Oh, my -- they were hanging over this area  
4 here.

5 Q Uh-huh. Could you initial that just so we  
6 know it's yours? Thank you.

7 Were all three of them, the three individuals,  
8 were they physically touching Mr. Barnes when you  
9 struck the individual?

10 A Yes.

11 MR. WADE: Note my --

12 THE WITNESS: They were on top of Matt Barnes.

13 MR. WADE: -- objection to the form of the  
14 question. But the answer stands.

15 BY MR. GORCZYCA:

16 Q Were the other individuals in the area, in the  
17 general area?

18 A It was a club.

19 Q Okay.

20 A Pretty sure it was.

21 Q All right. Did you know any of the other  
22 individuals in the general area?

23 A I don't know who was around.

24 Q All right. Did -- your personal security, do  
25 you know where he was at any point during --



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1           A     I told you before I didn't know. My only --  
2 my only purpose was to get Matt out of the dogpile.

3           Q     I understand that. But earlier you mentioned  
4 that your personal securities can't go so far away from  
5 you. You mentioned they have to stay in close  
6 proximity to you.

7           A     I don't know where he was.

8           Q     Okay. Do you know why he didn't intervene as  
9 opposed to you?

10          A     No.

11          Q     Is there any reason why he couldn't have  
12 intervened as opposed to you?

13          A     Maybe he didn't see it. I don't know --

14               MR. WADE: Objection to the form of the  
15 question. You can't speculate about what you don't  
16 know.

17 BY MR. GORCZYCA:

18          Q     You mentioned earlier you had two to three  
19 drinks. Was it all Hennessey?

20          A     Yeah.

21          Q     In total, how long did the incident occur from  
22 the time that someone tapped you on the shoulder, until  
23 you struck the individual, until you got Mr. Barnes up?

24          A     30 seconds maybe. I don't know. It was  
25 pretty quick.

1 Oh, sorry. Just put it a back on?

2 THE VIDEOGRAPHER: It just clips back on.

3 MR. WADE: Can you estimate it in seconds?

4 MR. GORCZYCA: He said 30 seconds.

5 THE WITNESS: About 30.

6 Can you all now understand me? Can you  
7 understand me? I know I mumble a little bit. I'm from  
8 Alabama.

9 BY MR. GORCZYCA:

10 Q Is there any reason why you couldn't  
11 physically pull the gentleman off Mr. Barnes as opposed  
12 to striking him?

13 A Maybe if it was just -- I don't know -- him  
14 grabbing him by the shirt, yeah, maybe. But when  
15 you're physically choking somebody, your -- your -- I  
16 believe your intention is to hurt him. So, I don't  
17 know anybody that chokes somebody and isn't trying to  
18 hurt them physically. So --

19 Q And what was your intention?

20 A To protect Matt.

21 MR. GORCZYCA: Okay. Thank you. I have  
22 nothing further.

23 MR. WADE: You're done.

24 THE WITNESS: It was a pleasure.

25 THE VIDEOGRAPHER: This concludes the

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1 videotaped deposition of DeMarcus Cousins taken on  
2 April 24, 2018. We're going off the record. And the  
3 time is 11:09 a.m.

4 (Thereupon, the deposition concluded at 11:09 a.m.)  
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## 1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA )  
 ) ss:  
3 COUNTY OF CLARK )

4 I, Mary Cox Daniel, a Certified Court  
5 Reporter licensed by the State of Nevada, do hereby  
6 certify:

7 That I reported the videotaped  
8 deposition of DEMARCUS COUSINS, commencing on Tuesday,  
9 April 24, 2018, at 10:14 a.m.

10 That prior to being examined, the  
11 witness first duly swore or affirmed to testify to the  
12 truth, the whole truth, and nothing but the truth; that  
13 I thereafter transcribed my said shorthand notes into  
14 typewriting and that the typewritten transcript is a  
15 complete, true and accurate record of testimony  
16 provided by the witness at said time.

17 I further certify (1) that I am not a  
18 relative or employee of an attorney or counsel of any  
19 of the parties, nor a relative or employee of any  
20 attorney or counsel involved in said action, nor a  
21 person financially interested in the action, and (2)  
22 that pursuant to Rule 30(e), transcript review by the  
23 witness was not requested.

24 IN WITNESS WHEREOF, I have hereunto set  
25 my hand in my office in the County of Clark, State of  
Nevada, this 30th day of April, 2018.

*Mary Cox Daniel*



MARY COX DANIEL, CCR 710, FAPR, RDR, CRR





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